

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

UNITED STATES OF AMERICA,	)	CIVIL ACTION NO.: 6:19-cv-01976-HMH
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
\$69,940.50 IN UNITED STATES	)	
CURRENCY,	)	
	)	
Defendant <i>in Rem</i>	)	

CONSENT ORDER OF FORFEITURE

This *in rem* forfeiture action was filed on July 16, 2019, concerning \$69,940.50 in United States Currency (the “Defendant Currency”) seized on January 13, 2019 by the United States Department of Homeland Security.

The Government served the known potential claimants, Derek Antonio McClellan and Yvonne Mariah Silver, a/k/a Yvonne Maria Silver (“Claimants”), by providing them with actual notice, as set forth in the Notice of Judicial Forfeiture filed with the court on July 17, 2019 (Docket Entry 5). A verified Claim was filed by the Claimants on August 21, 2019 (Docket Entry 10) and an Answer was filed by the Claimants on September 11, 2019 (Docket Entry 11). As set forth in the Declaration of Publication filed with the court on August 19, 2019 (Docket Entry 7), and in accordance with Supplemental Rule G(4), Fed.R.Civ.P., notice of this forfeiture action was published on an official internet government forfeiture site, “www.forfeiture.gov,” for at least 30

consecutive days, beginning on July 17, 2019 and ending on August 15, 2019. Any person claiming an interest in the Defendant Currency was required to file a claim within sixty days after the first date of such publication (by September 15, 2019). All time limits for the filing of claims have now expired, with no requests for extensions of such time limits having been requested or granted.

The parties mediated the case unsuccessfully on June 25, 2020.

The government moved for Summary Judgment on August 19, 2020. This Court granted Summary Judgment in favor of the government on September 22, 2020.

Claimants filed a Notice of Appeal with the Fourth Circuit on November 20, 2020. On August 10, 2022, the Fourth Circuit reversed the District Court's grant of Summary Judgment in favor of the government and remanded the case for further proceedings.

The United States and Derek McClellan and Yvonne Silver have now reached the following settlement. First, \$56,000.00 of the Defendant Currency is to be returned to the Claimants by the United States issuing an electronic funds transfer payment in that amount to a trust account held in the name of Turner Law, LLC, counsel for Claimants.<sup>1</sup> Second, the balance of the Defendant Currency, to wit, \$13,940.50, is to be found and held forfeited, condemned, quit-claimed, and

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<sup>1</sup>Federal law, codified at 31 U.S.C. § 3716 (the "Debt Collection Improvement Act of 1996"), requires the Department of the Treasury and other disbursing officials to offset Federal payments to collect delinquent tax and non-tax debts owed to the United States, and to individual states. If an offset is made to the payment to be made pursuant to this Order of the Court, Claimants will receive a notification from the Department of the Treasury at the last address provided by Claimants to the governmental agency or entity to whom the offset payment is made. The terms of the settlement specifically do not affect the tax obligations fines, penalties, or any other monetary obligations the Claimants owe to the United States or an individual state, and in fact, are intended to satisfy such a tax obligations. Therefore, the exact sum delivered to Counsel, on behalf of his clients, may well be a lesser sum, if the Treasury Offset Program reduces the amount in satisfaction of a debt obligation.

abandoned to the United States, and shall be disposed of by the United States pursuant to law as a forfeited asset.

The parties agree that each side shall bear its own costs.

NOW THEREFORE, the Court being fully advised, and based on the Stipulation for Compromise Settlement, which is incorporated herein by reference, it is

ORDERED, ADJUDGED, AND DECREED, that:

1. All persons and entities other than Derek McClellan and Yvonne Silver claiming any right, title, or interest in or to the Defendant Currency are hereby held in default; and default judgment is entered against them.

2. Subject to reduction by any offset through the Treasury Offset Program, the United States Customs and Border Protection shall return \$56,000.00 of the Defendant Currency by electronic fund transfer to a trust account held in the name of Turner Law, LLC, counsel for Claimants.

3. Pursuant to 21 U.S.C. § 881(a)(6), 18 U.S.C. §§ 981(a)(1)(A) and 981(a)(1)(C), the balance of the Defendant Currency, to wit, \$13,940.50, is hereby forfeited, condemned, quit-claimed, and abandoned to the United States of America.

4. Clear title in and to the aforesaid \$13,940.50 of the Defendant Currency is hereby vested in the United States of America, and no other right, title or interest exists therein. All other

claims in or to said \$13,940.50 of the Defendant Currency are hereby forever foreclosed and barred.

5. The \$13,940.50 of the Defendant Currency forfeited herein shall be disposed of by the Government in accordance with law.

SO ORDERED.

s/Henry M. Herlong, Jr.  
HENRY M. HERLONG, JR.  
SENIOR UNITED STATES DISTRICT JUDGE

Greenville, South Carolina  
October 24, 2022